

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LONE STAR FUND IV (U.S.), L.P., LONE §
STAR FUND IV (BERMUDA), L.P. and §
LSF-KEB HOLDINGS SCA, §

Plaintiff, §

v. §

STEVEN H. LEE §

Defendant. §
§
§
§
§
§
§

CIVIL ACTION NO.

NOTICE OF REMOVAL

Defendant Steven H. Lee files this Notice of Removal pursuant to 28 U.S.C. §§
1441 and 1446 based on diversity jurisdiction.

1. On July 16, 2009, Plaintiffs filed this action in the 162nd District Court for
Dallas County, Texas against Defendant Lee. Plaintiffs seek damages alleging breaches
of fiduciary duties and fraudulent activities by Lee.

2. A copy of the Original Petition in this action was delivered to a member of
Defendant Lee's family at their residence in New Jersey on August 4, 2009.

3. Neither Plaintiff nor Defendant made a jury demand in state court.

4. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely filed
within 30 days of receipt of Plaintiffs' initial pleading.

5. This Court has diversity jurisdiction over this action because complete diversity of citizenship exists between all Plaintiffs and Defendant Lee, and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs. This action may be removed to this Court pursuant to 28 U.S.C. § 1441(b) because Lee is not a citizen of Texas. Diversity jurisdiction existed both at the time of filing Plaintiffs' Original Petition and at the time of filing this Notice of Removal.

6. Defendant Lee is a citizen of the State of New Jersey and of the United States.

7. According to the Original Petition, Plaintiff Lone Star Fund IV (U.S.), L.P., is a limited partnership organized and existing under and by the laws of the State of Delaware. Upon information and belief, none of the general or limited partners of Plaintiff Lone Star Fund IV (U.S.), L.P., is a citizen of the State of New Jersey. Therefore, Plaintiff Lone Star Fund IV (U.S.), L.P., has diverse citizenship from Defendant Lee.

8. According to the Original Petition, Plaintiff Lone Star Fund IV (Bermuda), L.P., is a limited partnership organized and existing under the laws of Bermuda. Upon information and belief, neither Lone Star Fund IV (Bermuda), L.P. nor any of its partners is a citizen of New Jersey. Therefore, Lone Star Fund IV (Bermuda), L.P., has diverse citizenship from Defendant Lee.

9. According to the Original Petition, Plaintiff LSF-KEB Holdings SCA is a private limited liability company organized and existing under and by the laws of

Belgium. Upon information and belief, LSF-KEB Holdings SCA's principal place of business is in Belgium. Therefore, LSF-KEB Holdings SCA has diverse citizenship from Defendant Lee.

10. The Original Petition alleges that Defendant Lee misappropriated approximately \$12 million from various entities related to Plaintiffs and seeks return of that amount and other damages, so it is apparent on the face of Plaintiffs' Original Petition that the amount in controversy exceeds \$75,000 and that the requisite amount in controversy has been met.

11. Removal to this District and Division is proper. While Defendant contests that this Court has personal jurisdiction over him, assuming personal jurisdiction is found, he would concede that venue is proper in this District and Division because the state court in which this action was filed and pending is in Dallas County, Texas, within this District and Division.

12. Written notice of the filing of this Notice of Removal of the above action is being delivered to all parties. A copy of this Notice of Removal, as well as a Notice of Filing Notice of Removal will be promptly filed with the Clerk of the 162nd District Court of Dallas County, Texas.

13. Pursuant to Local Rule 81.1 attached hereto is:

Ex. A: An index of all documents identifying each document and the date it was filed in state court

Ex. B: Civil cover sheet

Ex. C: Supplemental civil cover sheet

Ex. D: Copy of the state court docket sheet

Ex. E: State court civil cover sheet

Ex. F: Plaintiffs' Original Petition

Ex. G: A separately signed certificate of interested persons complying with
Local Rule 3.1(c).

Date: August 31, 2009

Respectfully submitted,

/s/ Jerome R. Doak

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COUNSEL FOR DEFENDANT

STEVEN H. LEE

CERTIFICATE OF SERVICE

This is to certify that on this 31st day of August 2009, a true and correct copy of the foregoing Notice of Removal was served electronically via e-mail and U.S. Mail, postage prepaid, on the following:

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/s/ Jerome R. Doak
Jerome R. Doak

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